

H.B. 149

AMENDMENTS TO FEDERAL LAW ENFORCEMENT LIMITATIONS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 4, 2014 4:15 PM

Representative **Michael E. Noel** proposes the following amendments:

1. *Page 1, Lines 14 through 15:*

14 { ~~→ modifies current law regarding state and local law enforcement officers' recognition~~
15 ~~of law enforcement authority by federal agencies and employees;~~ }

2. *Page 2, Line 37*

House Committee Amendments

2-27-2014:

37 ▶ allows { ~~local law enforcement agencies~~ } county sheriffs to enter into agreements with
federal agencies

3. *Page 2, Lines 45 through 46*

House Committee Amendments

2-27-2014:

45 { ~~AMENDS:~~ }
46 { ~~53-13-106, as last amended by Laws of Utah 2013, First Special Session, Chapter 4~~ }

4. *Page , Line 59 through Page 4, Line 103:*

59 { ~~Section 1. Section 53-13-106 is amended to read:~~
60 ~~53-13-106. Federal officers -- State law enforcement authority.~~
61 ~~(1) (a) "Federal officer" includes:~~
62 ~~(i) a special agent of the Federal Bureau of Investigation;~~
63 ~~(ii) a special agent of the United States Secret Service;~~
64 ~~(iii) a special agent of the United States Department of Homeland Security, excluding a~~
65 ~~customs inspector or detention removal officer;~~
66 ~~(iv) a special agent of the Bureau of Alcohol, Tobacco and Firearms;~~
67 ~~(v) a special agent of the Drug Enforcement Administration;~~
68 ~~(vi) a United States marshal, deputy marshal, and special deputy United States marshal;~~
69 ~~and~~
70 ~~(vii) a U.S. postal inspector of the United States Postal Inspection Service.~~
71 ~~(b) (i) Federal officers listed in Subsection (1)(a) have statewide law enforcement~~
72 ~~authority relating to felony offenses under the laws of this state. This Subsection (1)(b)(i) takes~~

precedence over Subsection (2):

~~—— (ii) [Federal] Subject to Sections 53-13-106.1 through 53-13-106.10, state and local law enforcement officers are authorized to recognize the exercise of law enforcement authority by federal agencies and federal employees [may exercise law enforcement authority related to misdemeanor and felony offenses under Utah law only as established by an agreement] as defined in Section 53-13-106.1. This Subsection (1)(b)(ii) takes precedence over Subsection (2):~~

~~—— (c) The council may designate other federal peace officers, as necessary, if the officers: —— (i) are persons employed full-time by the United States government as federally recognized law enforcement officers primarily responsible for the investigation and enforcement of the federal laws;~~

~~—— (ii) have successfully completed formal law enforcement training offered by an agency of the federal government consisting of not less than 400 hours; and~~

~~—— (iii) maintain in-service training in accordance with the standards set forth in Section 53-13-103.~~

~~—— (2) Except as otherwise provided under Title 63L, Chapter 1, Federal Jurisdiction, and Title 77, Chapter 9, Uniform Act on Fresh Pursuit, a federal officer may exercise state law enforcement authority only if:~~

~~—— (a) the state law enforcement agencies and county sheriffs with jurisdiction enter into an agreement with the federal agency to be given authority; and~~

~~—— (b) except as provided in Subsection (3), each federal officer employed by the federal agency meets the waiver requirements set forth in Section 53-6-206.~~

~~—— (3) A federal officer working as such in the state on or before July 1, 1995, may exercise state law enforcement authority without meeting the waiver requirement.~~

~~—— (4) At any time, consistent with any contract with a federal agency, a state or local law enforcement authority may withdraw state law enforcement authority from any individual federal officer by sending written notice to the federal agency and to the division.~~

~~—— (5) The authority of a federal officer under this section is limited to the jurisdiction of the authorizing state or local agency, and may be further limited by the state or local agency to enforcing specific statutes, codes, or ordinances. }~~

Section {~~2~~} 1. Section 53-13-106.1 is enacted to read:

5. Page 5, Line 150:

Section {~~3~~} 2. Section 53-13-106.2 is enacted to read:

6. Page 6, Line 167

House Committee Amendments
2-27-2014:

Section {~~4~~} (3). Section 53-13-106.3 is enacted to read:

7. Page 6, Lines 174 through 177
a. House Committee Amendments
b. 2-27-2014:

174 Section ~~{-5}~~ (4) . Section **53-13-106.4** is enacted to read:
175 53-13-106.4. State and ~~{-local}~~ county sheriff law enforcement officers and federal employees
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176 Enforcement of federal laws and regulations by state and ~~{-local}~~ county sheriff officers.
177 A state ~~{-or local}~~ law enforcement agency or a county sheriff ~~H→ [is authorized to] may ←H~~
assist a

8. Page 7, Line 186
House Committee Amendments
2-27-2014:

186 ~~---~~ ~~(3)~~ ~~←H~~ the state ~~{-or local}~~ law enforcement agency or a county sheriff has ~~H→~~ [complied
with] entered into

9. Page 7, Line 187
House Committee Amendments
2-27-2014:

187 Section ~~{-6}~~ 5 . Section **53-13-106.6** is enacted to read:

10. Page 7, Line 194
House Committee Amendments
2-27-2014:

194 managed land, only if ~~{-such}~~ the exercise is consistent with the Constitution of the United States and

11. Page 7, Line 203
House Committee Amendments
2-27-2014:

203 Section ~~{-7}~~ 6 . Section **53-13-106.7** is enacted to read:

12. Page 8, Line 219
House Committee Amendments
2-27-2014:

219 Section ~~{-8}~~ 7 . Section **53-13-106.8** is enacted to read:

13. Page 8, Lines 226 through 227

House Committee Amendments

2-27-2014:

226 Section {~~-9~~} 8 . Section **53-13-106.9** is enacted to read:
227 53-13-106.9. State and {~~local law~~} county sheriff law enforcement officers and federal
employees --

14. Page 8, Line 230

House Committee Amendments

2-27-2014:

230 (1) {~~Local law enforcement agencies~~} County sheriffs may enter into agreements with
federal agencies

15. Page 8, Line 238a

House Committee Amendments

2-27-2014:

238a H→ (3) {~~Local law enforcement agencies~~} Local county sheriffs may enter into agreements
with federal

16. Page 8, Line 239

House Committee Amendments

2-27-2014:

239 Section {~~-10~~} 9 . Section **53-13-106.10** is enacted to read: